

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

WILLIAM DANIEL PEYATT,

Petitioner, : Case No. 2:21-cv-5141

- vs - District Judge James L. Graham
WARDEN, Belmont Correctional Magistrate Judge Michael R. Merz
Institution,

: Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Second Supplemental Report and Recommendation of United States Magistrate Judge Michael R. Merz (ECF No. 23), to whom this case was referred pursuant to 28 U.S.C. § 636(b).

Petitioner timely filed objections to the Second Supplemental Report and Recommendation on October 27, 2022 (ECF No. 24).

Upon *de novo* review of the matter, the Court find that the objections fail to raise any meritorious argument. The Second Supplemental Report and Recommendation correctly addresses petitioner's claims and arguments, and the Court hereby ADOPTS said Second Supplemental Report and Recommendation.

Accordingly, it is hereby ORDERED that the Petition be DISMISSED with prejudice. Petitioner is DENIED any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

Pursuant to Fed. R. Civ. P. 58, the Clerk shall enter judgment to this effect.

DATE: January 20, 2023

s/ James L. Graham
James L. Graham
United States District Judge